

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**CHARLES PATRICK BRENNAN
AND MARY BRENNAN,
INDIVIDUALLY, AND AS HEIRS
AT LAW TO THE ESTATE OF
COLBY PATRICK BRENNAN,
DECEASED,**

VS.

POWDER CITY, LLC.

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CA NO. 4:16-cv-03488

JOINT STATUS REPORT

TO THE HONORABLE UNITED STATES DISTRICT JUDGE LYNN HUGHES:

Plaintiffs **CHARLES PATRICK BRENNAN AND MARY BRENNAN, INDIVIDUALLY, AND AS HEIRS AT LAW TO THE ESTATE OF COLBY PATRICK BRENNAN, DECEASED** (the “Plaintiffs”) and Defendant **POWDER CITY, LLC** (“Powder City” and sometimes collectively referred to herein as the “Parties”) now file their Joint Status Report pursuant to this Court’s May 9, 2017 Management Order.

1. In lieu of separate submittals on today’s date and June 9, 2017, Powder City and the Plaintiffs submit this Joint Status Report to comply with the Court’s May 9, 2017 Management Order (“the Court’s Order”).
2. In accordance with the Court’s Order, the Parties report as follows:
 - a. The parties agree that Powder City will take the depositions of Plaintiff Charles Patrick Brennan, Plaintiff Mary Brennan and witness Thania Hernandez in late June or early July (accounting for recovery of a recent personal injury sustained by Mrs. Brennan), on an agreeable date to all counsel and witnesses;

- b. The parties agree that, following the completion of the Brennan Plaintiffs and Ms. Hernandez, Plaintiffs will take the deposition of Nathan Smeltzer, the owner of Powder City, on a date agreeable to all counsel and witnesses;
- c. Powder City seeks additional documents in view of Plaintiffs' most recent document production. Within 10 days of the entry of this Joint Status Report, Powder City will file a request for the additional documents; such filing will be accompanied by Plaintiffs' objections to the additional documents, if any;
- d. Within 10 days of the entry of this Joint Status Report, Defendant Powder City will file Motions for Leave to designate the corporate entities doing business as "Newmind.com," "Ceretopic.com," "E-bay Smart Drugs" and "Smart Drugs for Thought" as responsible third parties under Texas Civil Practices & Remedies Code § 33.004. Based upon Plaintiffs' document production, Defendants assert that Colby Brennan purchased tianeptine and other non-dietary supplements, nootropics and drugs from these manufacturers. Plaintiffs are *opposed* to these Motions for Leave to Designate the referenced corporate entities as Responsible Third Parties and the relief requested therein. To this extent, Plaintiffs do not concede to and/or waive any issue(s) or argument(s) with regard to such Motions for Leave by joining in this Status Report to comply with the Court's Order;
- e. The parties have discussed a resolution of this case by mediation. Proceeding to mediation will be revisited by the Parties after the completion of the discovery and matters set forth herein.

Respectfully submitted,

By: /s/ Steve E. Couch
STEVE E. COUCH
Federal I.D. No. 12298
State Bar No. 04875650
scouch@ksklawyers.com

**ATTORNEY-IN-CHARGE FOR
PLAINTIFFS CHARLES PATRICK
BRENNAN AND MARY BRENNAN,
INDIVIDUALLY, AND AS HEIRS
AT LAW TO THE ESTATE OF COLBY
PATRICK BRENNAN, DECEASED**

OF COUNSEL:
KELLY, SUTTER & KENDRICK, P.C.
3050 Post Oak Blvd., Suite 200
Houston, Texas 77056
713-595-6000 - Telephone
713-595-6001 – Facsimile

By: /s/ John R. Shepperd
John Shepperd
Texas Bar No. 18236050
John.Shepperd@wilsonelser.com
Michael Jacobellis
Texas Bar No. 10515100
Michael.Jacobellis@wilsonelser.com
Garett Willig
Texas Bar No. 24066297
Garett.Willig@wilsonelser.com

**ATTORNEY-IN-CHARGE FOR DEFENDANT
POWDER CITY, LLC**

OF COUNSEL:
**WILSON, ELSE, MOSKOWITZ,
EDELMAN & DICKER LLP**
909 Fannin Street, Suite 3300
Houston, Texas 77010
(713) 353-2000 Telephone
(713) 785-7780 Facsimile